



**Town of Arlington, Massachusetts**  
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## Minutes 02/22/2007

Commissioners Present: B. Cohen, A. Frisch, Y. Logan, S. Makowka, M. Penzenik, M. Potter, J. Worden

Commissioners

Not Present: M. Logan, M. Hope Berkowitz

Guests: S. Stafford, J. Salocks, M. Brooks, A. Sparks, C. Lockery,  
 F. Kenney, C. Pilcher, L. Pilcher, L. Mayer, J. Brewe, J. Barkan, G. Magnussen, D. Rubin,  
 L. Rubin, R. Elwell, M. Crewe, E. Fitch, F. Fitch, K. Sienkiewicz, D. Sienkiewicz, W. Mallett,  
 P. Worden,

1. Meeting called to order 8:08pm

2. Appointment of alternate Commissioners to Pleasant Street Historic District Commission - A. Frisch, S. Makowka and M. Potter. Appointment of alternate Commissioners to Mt. Gilboa/Crescent Hill Historic District Commission – B. Cohen, A. Frisch, S. Makowka and M. Potter

3. Approval of minutes for 12/14/06 moved by J. Worden seconded by B. Cohen. Approved unanimously. Minutes of 1/25/07 moved for approval by J. Worden, seconded by B. Cohen, approved unanimously.

### 4. Communications

- a. Calls re: 251 Pleasant Street (Fitch) re: agenda
- b. Call re: regulations in AHDC from resident
- c. Calls re: 109 Crescent Hill Ave. re: agenda & documentation
- d. Inquiry from W. Eykamp (246 Pleasant St.) re: work substantially at grade
- e. Letter from Mt Gilboa/Crescent Hill Neighbors
- f. Letter of introduction from potential new Commissioner (G. Dubell)
- g. S. Makowka received call from Caritas Communities regarding barn on property in Russell Historic District. Will be talking again with them about future plans.

### 5. New Business

a. **Formal Hearing re: 109 Crescent Hill Ave. (Sienkiewicz) regarding new construction of building between 109 and 117 Crescent Hill Avenue**

**8:20 pm**

Owner Donald and Katja Sienkiewicz and Winn Mallet, architect, present. Mr. Sienkiewicz described the proposed construction of a new house on a new lot created from portions of two existing lots at 109 and 119 Crescent hill Ave.

The applicant expressed his desire to construct a house that would complement other existing buildings in the neighborhood which currently is an eclectic mix of styles. The architect, Mr. Mallet, explained that the proposed house design, as shown in contour sketches and elevations prepared by the applicants, has a long east/west axis, with the intention to build "green" by using features such as super insulated walls and passive solar design such that house could be heated by solar power and a cord of firewood. Mr. Mallett also presented a topographical model showing the massing and siting of the proposed house relative to its neighbors. According to applicants, the idea was to create a house that seemed to have period appropriate qualities and which would be the kind of house that someone in neighborhood would like to live in themselves.

S. Makowka asked the applicant to focus first on the issue of whether any new structure on this site would be an appropriate change in the District before we discuss the details of the proposed house design. S. Makowka stated that it is very clear in the Commissions' design guidelines that open space can be very important element of in the district and part of the Commissions goal is to preserve important features that define the District – and such features can including the landscape or setting in which existing structures are located. This is important because right now the proposed building site it is a vacant lot.

The applicant explained that the proposed site is a side lot which doesn't have the frontage required for building, but that he has the opportunity to create a legal lot by purchasing some of land from the neighbor next door. The applicant explained that currently, the lot is just a tangle of trees with a large bedrock ledge outcropping. There is an old garage built into the hillside and then above that is a tangle of trees. His opinion is that current outcropping is unusable in any aesthetic form. While someone could clear that out if so inclined, it was just a leftover strip of land and he felt that the proposed house would have a place on that particular property. He suggested that some maps of the overall area show that some other lots had been subdivided over the years, creating many smaller lots now, such as those across the street. The applicant explained that the site was difficult to deal with because of the ledge and suggested that if the site wasn't as difficult as it is that it would have been built on earlier. The applicant summarized that the siting of the proposed house was "right" given the density of the other houses in the district, and that this was an appropriate place for an interesting & very useful suburban kind of house. He added that the construction would involve no blasting – the house would be elevated built on the exposed bedrock. Although the proposed house is compliant with height requirements from zoning, it is taller than other houses in the area because it doesn't have any basement.

J. Worden reminded them that they were getting away from question Chair asked them to focus on of why anything should be built on this lot at all. B. Cohen asked if you need to get a variance to setback requirements – D. Sienkiewicz said no need for variance with new lot. D. Sienkiewicz then quoted from the AHDC guidelines "...New construction in a side yard might meet this test if (1) typical spacing of structures along the street can be maintained, (2) height is consistent with adjoining structures, (3) the style of architecture conforms to the predominant style of existing historic buildings in the vicinity, (4) the footprint – particularly the width – of the new building is appropriate in size and scale to adjoining buildings and (5) the existing open space is not deemed to be an integral feature of the existing structure's historical setting." He then addresses these points in order:

- 1) The original subdivision of the area had been done around Civil War and, over time, many original lots have been subdivided so that the typical spacing is what you see now. In his opinion the criteria is met here,
- 2) Regarding the height being similar compared to existing structures, the applicant stated that that can't be done without blasting because the lack of a basement requires building a longer and taller house for storage etc. Applicant did note that the first floor of both the existing and proposed houses would be at similar height. He felt that the Commission shouldn't prejudice their decision based on the fact that the proposed house is taller than others because he is not blasting to accommodate basement
- 3) Regarding the style of architecture being similar to other buildings in the area, the applicant pointed out that this is a difficult test to meet given the many varied styles of homes in the District and even on the block. He suggested that the proposed house is evocative of a workingman's Victorian and most closely matches the existing Magnussen's house.
- 4) Regarding the footprint, the applicant suggested that in particular, the width is appropriate to size & scale, and in fact is narrower than the current Sienkiewicz house. The added length is because of a lack of a basement. In particular, the design of the proposed house, due to the look thru on the upstairs porch from street, seems no wider than any other houses on street. Thus, in his opinion, this criteria is met.
- 5) Applicant suggested that existing open space should not be deemed to be part of the existing structures historical setting. While his property is in the District, the neighbor's lot isn't. In the original 1860 subdivision plan, the house didn't exist since it was not built until 1911 at which point he understands that Mr. Zwink had cattle that he kept in the basement in winter time. The surrounding property was probably all fields. The important context today is that there are many examples of other houses filling in the previously vacant land in the District, thus he feels the proposal meets the Commission's criteria.

S. Makowka thanked the applicant for the supporting documentation and especially for the topographical model, explaining that such information is very helpful in allowing the Commission to visualize the project. As an initial comment, he believed that while the style of the proposed house didn't have to be an exact copy of existing structures, he felt that he would expect to see something that draws more on traditional designs. However, S. Makowka continued, before we address that point, he had concerns about a number of the points made by the applicant with regard to the Commission's guidelines. First, # 2 regarding height: this proposed building is 9 ft higher than its neighbors. In the past, this type of disparity has been objected to by the Commissions. Second, there was a reason this ledge was not built on previously. In some sense, the ledge outcroppings are an integral part of the district and has historically dictated the siting of houses. Finally, the existing house is sited such that it is nestled into the space created by the ledge outcropping and seems well situated on the site. However, the addition of a new house on the ledge would be a dramatic, and negative change, to the existing setting.

A. Frisch asked about the applicant's intentions regarding the garage, which had previously been permitted for demolition. Applicant answered that they would like to remove the garage and install a shared driveway at that location. M. Penzenik expressed a concern that the slope might be too steep to accommodate a driveway without being dug out. Also, A. Frisch asked about the boulder/ledge that currently encroaches on the street. The applicant stated that it would be staying. A. Frisch said he had a personal concern regarding the difference in height. B. Cohen said there is a reason why this was never built on – the open land that's undeveloped on the other side makes her feel even stronger that this shouldn't be done. Mr. Sienkiewicz said other houses have been added and the lots

subdivided earlier. B. Cohen pointed out that most of the house houses along Crescent Hill, especially on this side, are large sized lots that preserve the original subdivision plans. In addition, she pointed out that no-one would have built on this ledge historically and just because we have the technology today doesn't mean that construction of this type is appropriate. In short, she is having problem to plop house on top of ledge. M. Penzenik said its' a little piece of pristine land and once this house goes in, it's gone forever.

S. Makowka opened floor to any comments from interested parties. A letter from concerned neighbors, including residents of the District, was presented by C. Lockery, of 110 Crescent Hill Ave. (\*See Attached Copy of Letter dated 2/10/07 presented 2/22/07 at AHDC meeting). C. Lockery thanked the petitioners for meeting with neighbors early in process to let them know what was being considered, however he noted that the letter expressed opposition to the construction of a new building and it was signed by 62 neighbors with an additional 4 e-mail promises to sign. After reading the letter of opposition, C. Lockery added his personal opinion that , although the Commission can only address the item before it, the manipulation of lot lines to allow new building sets a damaging precedent and that the logical conclusion to infill development must be no. J. Salock, of 203 Lowell St. said we've seen proposals for sites such as these before and while they should be looked at on a case by case basis, just because you could build a house doesn't mean it's the right thing. He feels that this site is not a buildable lot and should not become a buildable lot at all. A. Sparks, of 22 Montague St., read a quote from an 1874 Advocate and suggested that what has been referred to as leftover strip of land is very significant to this district in that, along with the Reservoir and Mt Gilboa on the other sides, this leftover land provides a buffer at the boundary of the district that is consistent with the 5/24/1874 description of 'cooling breezes coming up the hill to a landscape view is almost without parallel...' She would like to maintain the empty space as anchor on other side. Leslie Mayer, of 131 Crescent Hill Ave. and a member of open space committee, stated that from open space perspective, these are the type of decisions that we look at that can change the character of the Town overall. Open space enhances design. Here for example, the character of the alpine chalet set in wooded setting on a lot that is not big enough to be subdivided in and of itself is enhanced by open space sitting beside it – holistically it gives you sense of alpine chalet next to a mountain. The density questions that we're facing are more and more significant to people and when the Town held open space visioning meetings, the #1 goal of people in community was acquisition and preservation of open space even in these small areas. Here we have the opportunity to make sure we're thinking long and hard before taking the steps that go counter to these goals.

D. Sienkiewicz was given an opportunity to respond, and said that he was impressed by uniformity of response, almost convinced. But argued again that this is not a rural area, and it hasn't been since the 1860 original layout. For example, many lots have been subdivided, which raises the question of when do we fix a district? Something that has been happening since 1860 is that landowners have been subdividing lots, realizing value of land, is it really a consideration of the HDC to say when that should stop. Chapter 40C clearly gives authority over historic structures and sites, and we are not opposed to the board being aggressive over the limits of its jurisdiction. However, with regard to argument that rock outcroppings are historic, the board is being ambitious with its mandate. Again, the process to subdividing lots is something that has been part of the evolution of this district, so when does the board say that stops. [Not: actual date 1870s]

B. Cohen responded that it as an evolving process and the Commission is not totally against changes in the District over time. In fact we have approved some new construction, however, this is the first lot that's required manipulation of the lot lines to qualify. The fact that lot lines existed and the way they were created in 1860 clearly intended to incorporate rocky outcropping into the plans. The fact that the lots are large at the top of the hill is clearly for a reason. Fact that you need to purchase land from neighbor to even make it happen makes decision easy for her. A. Frisch has problem with concept that because it couldn't be built on, it shouldn't be built on – but is very concerned with campus effect on neighborhood and land around the existing houses. He expressed a concern that the overall feel of neighborhood, woods and nestling effect of the house would be negatively so affected by the house that would tower over it.

S. Makowka made the following motion for purposes of discussion: The Commission having fully reviewed the application before it, denies the application for a Certificate of Appropriateness based on its finding that the project under consideration if constructed according to plans (and drawings and models) submitted would violate the general harmony and historic architectural values of the District based on a number of factors. These factors include: the proposed house (1) would be located in an inappropriate location if built on top of rock ledges which are significant natural elements of the district and which have historically defined unsuitable building sites in the district, (2) would negatively impact the relationship between the original structure located at 109 Crescent Hill Avenue and the landscape in which it is situated, and (3) would be inappropriate in terms of size in that it would be significantly taller than the original structure located at 109 Crescent Hill Avenue. Seconded by B. Cohen for discussion. B. Cohen proposed to amend the motion by adding an additional cause for the denial based on the fact that the proposed siting of the house would require a subdivision of land that would mark a significant departure from the original subdivision plans of the Crescent Hill/Mount Gilboa area. Seconded by J. Worden for discussion.

M. Penzenik asked if the eloquent contents of the neighbors' letter could be reflected in the recorded objections of the Commission. S. Makowka said that the letter is part of the overall record of the Commissions deliberations, but that

the neighbors' opinions are not the basis and not really a reason we can use in making our decision. The amendment to the motion was approved unanimously. The vote on the amended motion to deny the application for the reasons stated, was approved per the following roll call vote: Y. Logan - yes, M. Potter - yes, S. Makowka - yes, B. Cohen - yes, M. Penzenic - yes, A. Frisch - yes, J. Worden - yes. S. Makowka thanked applicants for their submittal and their time and let them know that they would be receiving a letter of denial shortly based on the vote. One person asked about opportunity for resubmittal of plans for this location. S. Makowka said there is no absolute bar on someone coming before the Commission again with a new proposal.

**b. Formal Hearing re: 251 Pleasant Street (Fitch) regarding replacement of three exterior doors 8:40 pm**

The applicant explained that the property is on the North corner of Pleasant Street and Brunswick Road. The applicants propose to replace 3 doors, but only one is visible from Pleasant Street. The applicant thinks that the doors were maybe replaced in the 70s, since they do not match each other or the style of house. Applicant wants to replace all three and make them all similar. S. Makowka said issue before us is whether those 3 doors should be replaced with the proposed doors – 9 lights over 2 panels. The applicant explained that the doors and jambs would be replaced with matching trim because the door jams are cut up and hacked from years of mortises and the biggest problem is that the wood panels on the bottom of the doors are cracked & drafty. Also, the applicant would like to put in a door that matched the style of the house, is more secure, and that will improve the aesthetics. S. Makowka asked about jams, band molding, etc. and applicant said that they will stay the same. Also, applicant clarified that they want to use true divided light, double paned windows. J. Worden moved that the Pleasant Street Historic District Commission, having fully reviewed the application before it, finds that the project under consideration, if constructed according to the plans submitted therewith for Rogue Valley 4944 wooden doors with true divided lights, will be in harmony and not incongruous with the historical and architectural values of the district. Seconded by Y. Logan, approved unanimously. Neighbors (Joseph & Maureen Crewe) were present and in support of the changes. Monitor appointed – A. Frisch

**6. Other Business**

- a. Joint AHDC and AHC meeting – to be arranged
- b. Preservation Loan Program and AHDC Joint Mailing – APF mailing not ready
- c. District Signage Inventory – CRG to check with Public Works
- d. Update re: Locke (Hamilton) Farm, Winchester – P. Worden offered anyone to e-mail her at [pworden@comcast.net](mailto:pworden@comcast.net) - S. Makowka gave brief info about situation. B. Cohen said property is located next door to St Eulalia's Church. It is the oldest continuously running farm in eastern Massachusetts. (Since approx 1640). Current owners had it since the 60s. Real historic significance. 20+ acres. Currently used as a raspberry farm. Great national and international historic significance. Very developable piece of land – owner looking to sell to someone interested in 40B housing. Anyhow Town of Winchester has opportunity to match offer and is trying to figure out what to do – short window in which Town can act upon the option.

**7. Old Business**

- a. Preservation Loan Program Update
- b. Open District Commissioner Seats – Mt. Gilboa/Crescent Hill and Broadway
- c. Outreach to Neighborhoods & Realtors
- d. Status of projects by monitors

**8. Review of Projects**

1. 80 Westminster Avenue (Reitzel 00-09M) – Berkowitz
2. 14-16 Russell Street (Alex 00-28R), 10/01 (certificate modified 11/01) – Makowka
3. 35 Jason Street (Lynch 00-33J) 12/01; 01-08J) 05/02 – Makowka-COA
4. 11 Westmoreland Avenue (Caruso 01-12M) 6/02 – Cohen-COA
5. 139-141 Westminster (Entov 03-18M) – Berkowitz-COA
6. 14 Jason Street (window change w/o permit) - Makowka
7. 144 Pleasant Street (Cole, 04-1P) – Potter-COA
8. 25 Elder Terrace (Cantlon, 04-3G) – Cohen-COA
9. 79 Crescent Hill (Moore, 04-5G) – Cohen-COA
10. 72 Westminster Ave. (Colman, 04-6G) – Y. Logan-COA
11. 74 Pleasant Street (St John's Episcopal Church, 04-10P) – Makowka-COA
12. 56 Jason Street (Tanner, 04-15J) – Kuhn-COA
13. 15 Russell Street (Lagow, 04-17R) – Penzenik (changed from Kuhn)-COA
14. 118 Pleasant Street (Pleasant St. Realty Trust, 04-21P) - Makowka-COA
15. 50 Pleasant Street (Town of Arlington, 04-22P) – Penzenik-COA
16. 19 Westmoreland Ave. (Munro, 04-23M) – Potter-COA
17. 19 Westmoreland Ave. (Munro, 04-24M) – Potter-COA
18. 40-42 Pleasant Street (Barbosa for Scire, 05-04P) – Makowka – CONA

19. 75 Westminster Ave. (Dressler, 05-06M) – Makowka – COA
20. 175 Lowell Street (Erickson for Hill, 05-07M) – Cohen – COA
21. 15 Montague Street (Barkans, 05-08M) – Cohen – CONA
22. 145 Pleasant Street (Colt, - 05-13P) – Santos – COA
23. 203 Lowell Street (Salocks & Stafford – 05-15M) – Makowka – CONA
24. 14-16 Russell Street (Alvin Robbins Condo Trust – 05-23R) – Cohen – COA
25. 105 Westminster Avenue (Orrigo – 05-27M) – Cohen – COA
26. 34 Westminster Avenue (Ahlin for Heinrich – 05-28M) – Santos – COA
27. 14 Westmoreland Avenue (Leveille – 05-29M) – Makowka – CONA
28. 145 Pleasant Street (Colt – 05-30P) – Makowka – CONA
29. Lot between 147 & 157 Lowell Street (Warnock – 05-33M) – Santos/Cohen – COA
30. 28 Academy Street (Rehrig – 05-34P) – Penzenik – COA
31. 109 Crescent Hill Ave. (Sienkiewicz – 05-35M) – Frisch – COA
32. 10 Central Street (Hedlund – 05-36C) – Penzenik – COA
33. 145 Pleasant Street (Colt – 06-01P) – Santos – CONA
34. 118 Westminster Ave. (Stansbury – 06-02M) – Frisch – COA
35. 7 Westmoreland Ave. (Levy – 06-03M) – Penzenik – COA
36. 205 Pleasant Street (Kavanaugh – (originally 05-30Pcorrected to 06-05P) – Makowka – CONA
37. 106 Crescent Hill Ave. (Magnussen – 06-07M) – Alberg – COA
38. 106 Crescent Hill (Magnussen – 06-10M) – Makowka – CONA
39. 42 Academy Street (Sachs – 06-12P) – Penzenik – COA
40. 197 Lowell Street (Svencer – 06-13M) – Makowka – COA
41. 1 Monadnock Road (Starks & Hopeman – 06-15P) – Makowka – CONA
42. 20 Maple Street (Kapinos – 06-16P) – Makowka – CONA
43. 140 Pleasant Street (Haas – 06-17P) – Makowka – CONA
44. 203 Lowell Street (Salocks & Stafford – 06-20M) – Potter – COA
45. 23 Jason Street (Shedin for Leary – 06-21J) – Makowka – CONA
46. 106 Crescent Hill Ave. (Magnussen – 06-22M) – Makowka – CONA
47. 123 Westminster Ave. (Urgotis – 06-26M) – Makowka – CONA (Front Steps)
48. 109 Westminster Ave. (Rimes – 06-27M) – Makowka – CONA (Roof Shingles)
49. 111 Pleasant St. (Fredieu – 06-28P) – Makowka – CONA (Front Porch & Main Roof)
50. 16 Maple St. (Rogers – 06-29P) – Makowka – CONA (Tool Shed Demolition)
51. 16 Central St. (Keane for Piechota – 06-30C) – Makowka – CONA (Roof Replacement)
52. 26 Academy St. (Wright – 06-31P) – Makowka – COA (Stoop & Railing Replacement)
53. 243 Pleasant St. (Ferranti – 06-36P) – Makowka – CONA (Roof Replacement)
54. 23 Russell St. (Glover – 06-38R) – Cohen – COA (Porch Rail, Window, Fence)
55. 5 Venner Road (Kallas – 06-39P) – Frisch – COA (Window Replacements)
56. 105 Pleasant St. (Ferraguto – 06-40P) – Makowka – CONA (Front Portico & Beams)
57. 99 Westminster Ave. (Doctrow – 06-43M) – Cohen - COA (Porch)
58. 50 Pleasant St. (Town of Arlington – 06-44P) - Mahowka - CONA (Front Door)
59. 188 Pleasant Street (Spencer – 07-01P) – Makowka – CONA (Gutters, Porch Repairs)
60. 109 Crescent Hill Ave. (Peik for Sienkiewicz – 07-02M) – Frisch – COA (Windows)

Meeting Adjourned at 9:50PM

\*See Attached Adobe File – 109 Crescent Hill Abutters Letter Dated 2-10-07